

Bay Delta Conservation Plan (BDCP)
Steering Committee Meeting
May 16, 2008, 9:00 a.m. to 11:30 a.m.
Resources Agency Bldg., Room 1311

Draft Meeting Notes

Associated documents/handouts:

- Agenda
- Draft Approach to DRERIP Analyses
- Draft Tiered Approach to Procuring Additional Independent Science Advice
- Collated Comments on Draft Existing Ecological Conditions Chapter
- Draft Meeting Notes—2.22.2008
- Draft Meeting Notes—3.7.2008

Action Items and Key Decisions

- Meeting notes for February 22, 2008 and March 7, 2008 are accepted with minor changes.
- The SC generally agrees on the basic approach to conducting DRERIP analyses using conceptual models as presented in the document, with the awareness of concerns about DRERIP and the anticipation of modifications to the model by the fish agencies and the DRERIP team.
- The Non-Native Invasive species presentation was postponed to May 30
- The ad hoc group's letter as a response to State Water Resources Control Board questions is not an official letter from the BDCP Steering Committee, but a response from the two individuals who received the questions from the Board.

Updates

- Karen Scarborough welcomes documentary photographer Steve Johnson who will be filming today's Steering Committee meeting. He is an independent film maker working on a feature length film (one to one and a half hours) looking at the Delta, its features, some of the problems as well as the solutions people are working on. He is aiming to have the film completed in the fall.
- Jerry Johns reported that the US Bureau of Reclamation sent a notice to the court yesterday that an OCAP Biological Assessment report will be released today to USFWS. It provides a basis to start discussions with the fish agencies regarding actions that may be needed to better protect fish.
- Carl Wilcox – Regarding long fin smelt and CESA section 2084 protections. The Fish and Game Commission is moving forward with a public meeting on May 30th at the Federal Building to discuss tools and information being used to support a re-adoption of the section 2084 rule. There will be re-adoption discussions at August and November meetings. A notice will go out next week to Steering Committee members.
- Jerry Johns reporting: DWR has selected a Program Manager to help DWR handle issues related to implementation of certain elements of the BDCP. The Washington Group of URS was chosen; negotiations completed, and the consultant should be under contract in a couple of weeks. Still negotiating cost with the selected EIR/EIS consultant for the preparation the environmental document for BDCP.
- Jason Peltier reporting: Judge Wanger sent eight questions to NMFS regarding the current status of salmon. They filed their responses with court yesterday.

- Karen Scarborough suggested it might be useful to have DFG and DWR give a presentation to the SC on the quagga mussel.
- Roger Patterson said that Senator Feinstein wants to help with quagga mussel issue and will raise the issue in Washington.
- Anthony Saracino reported that the draft PPIC report is expected to be released in June.
- John Engbring reported that DFG/USFWS/NMFS met with USACE to discuss Section 404 permitting related to potential BDCP action and to coordinate on the EIR/EIS. A meeting has been set up with USACE and Marc Ebbin and Will Stelle.
- Jerry Johns will investigate if possible to use WEB EX without also providing an opportunity to download draft information.
- Jerry Johns reported that the OCAP Biological Assessment will be up on the USBR web site today after 12:00 pm. It is 900 pages. There will be a press conference at 2:00 pm. This is the first step in the section 7 consultation process with the fish agencies. The report does not include Wanger flows or fish protection measures.
- Anthony Saracino introduced Pablo Garza, TNC's program manager for external affairs who has been working on mercury issues.

Collated Comments on Draft Existing Ecological Conditions Chapter

Paul Cylinder described the disposition of comments on the Draft Existing Ecological Conditions chapter, released March 7. There were comments submitted by broad range of members of the Committee. The comments were collected and sorted in order of appearance in the document and put into a single table. There were no comments that indicated any significant errors or problems with the document. The disposition column indicates what actions are being proposed for each of the comments. The updated version of the Existing Ecological Conditions chapter will not be available until later in the summer. The discussion of covered species has started and additions will be made to this chapter and appendices as species are added. Comments, concerns or questions should be sent to Paul Cylinder by the next SC meeting.

Kim Delfino expressed concern that Natural Communities are not dealt with fully. Anthony Saracino asked why nothing further was planned regarding comment #17. Also he believes that descriptions of natural or seasonal wetlands need to be more fully developed and that these should be included as covered natural communities. Paul Cylinder responded that the document complies with the NCCP Act with specific issues such as ecosystem processes adequately addressed; however, the Committee can include additional material as they feel is needed. Karen Scarborough and Laura King Moon suggested this issue should be reviewed by the Habitat Restoration Program TT. Comment disposition table needs page numbers to assist in the review process. Brent Walthall expressed appreciation that the state and federal fish agencies provided in depth comments on the document.

Public Outreach Working Group

Karla Nemeth reporting: Scoping meetings ended this week. A lot was learned and a scoping report is being prepared for the NEPA/CEQA effort. The group is starting to come up with a more detailed plan to go back out into the local Delta communities on a much more intimate level to help them understand the BDCP process. They really appreciated the attendance and help from Steering Committee members. They participated in DV stakeholder group and gave report to DV on scoping effort. It is clear there is confusion in the public about the relationship between BDCP and Delta Vision.

Karen Scarborough reporting the SC is now focusing on BDCP outreach. North Delta Water Authority may request to join the SC. Also, need to anticipate a discussion of adding local government agencies to the BDCP SC.

Jason Peltier suggested that the Public Outreach WG create workshop agendas and also prepare a draft plan for the year at next SC meeting. He mentioned that Westlands WD filed a protest with the State Water Resources Control Board regarding San Joaquin County's request for a permitted diversion at Freeport. He suggested that San Joaquin County may need to join the BDCP process.

Roger Patterson suggested the SC think about an ongoing effort to communicate with surrounding counties. Jason Peltier recommended coordinating communication with county staff. There is a need to begin immediate, ongoing communication with those counties.

Karen Scarborough reminded SC that Karla is looking for more members for the Public Outreach WG. Brent Walthall mentioned the eight counties of the California Partnership San Joaquin Valley have a water committee that includes supervisors. There needs to be a strategic plan to be the most effective. Karla Nemeth will be looking to the WG/TT for people with communication skills and awareness of BDCP issues. Jerry Johns suggested making a BDCP update a regular item on Delta Protection Commission meeting agenda. Karen Scarborough suggested that the SC needs a prepared standard BDCP presentation that members can take out into their communities and their board meetings, as well as keeping a constant flow of information regarding BDCP to those outside entities via newsletters and other methods. Greg Thomas suggested that representatives from Delta agriculture and local members of the community be included.

Conveyance Working Group

Jerry Johns (co-chair) presenting. Conveyance WG has been discussing potential near term actions, including new barriers, and has asked the consultants to prepare different scenarios.

Fish Facilities Technical Team has put together straw proposals. They are looking at locations and configurations for fish screens and screen designs. There is a need for interface between Fish Facilities TT and HOTT regarding topics such as screen sweeping flows. Ann Hayden reported on consultant's presentation to HOTT; it was very much a first cut. HOTT will give a presentation to Conveyance WG. John Cain reported that HOTT is focusing on north Delta flood bypass options within the context of the entire Delta. Jason Peltier asked Leo Winternitz if Delta Vision is addressing conveyance issues with regard to interim measures. Leo indicated that the Task Force is asking for more information.

Draft Approach to DRERIP Analyses

Carl Wilcox reported that the DRERIP models were sent out last week to reviewers.

The collegial review process is underway, with comments on the DRERIP models due by May 30. SAIC will schedule a June training workshop on the use of the conceptual models. Suggested names to participate in the workshop need to be sent to SAIC (Paul Cylinder). DRERIP trainers will conduct the workshops.

Carl Wilcox indicated the models are not separate from the process of using them. The models enable the process used to evaluate a specific action or set of actions to be documented and the actions and boundaries adequately described.

Jason Peltier asked how policy issues will be dealt with in the process models. Carl Wilcox reported these are conceptual models using the best science available and are not vehicles for making policy decisions.

CDs of models will be burned for those who need them.

Karen Scarborough asked that this document be finalized after coordination with the fish agencies. Further, she recommends PREs, NGOs and SAIC technical experts go to DRERIP workshop to learn about and understand DRERIP process.

Jason Peltier expressed concern with decision making process for identifying conservation measures and that this might be largely driven by DRERIP. Also wants to know how uncertainty and adaptive management will be addressed.

Will Stelle reported that it is important we do this exercise, and get it done very soon, do it well and with confidence. After the workshop in June, there is a need for a report or feedback to come back to the SC, especially focusing on how the Committee can deal with uncertainty and disagreement.

Greg Thomas said he is comfortable with the document, but it is important to be explicit about uncertainty, and how living elements interact with physical elements. He stressed the importance of the adaptive management program.

Paul Cylinder described the key reason for the DRERIP workshop is that working groups and technical teams are responsible for bringing conservation measures back to SC. The coarse-level DRERIP process will be used to initially test and evaluate those conservation measures. The conservation measures will be evaluated again through the full formal DRERIP process after they are sent to the Steering Committee. The working groups and technical teams are beginning to start the process of developing conservation measures for evaluation.

The DRERIP team has reviewed the document and is working on some revisions, mostly related to adding more detail on some of the steps.

Steve Thompson (USFWS) gave affirmation in recognition of the Committee's commitment to strong policy and strong leadership in the development of a successful BDCP.

Implementing Structure/Governance Working Group

Roger Patterson reporting: The group discussed papers presented by water users and the Environmental Defense Fund, and heard a report from Delta Vision. They have identified necessary tasks that need to be done. There is good coordination with Delta Vision representatives regarding governance issues.

Science Liaisons

The Steering Committee discussed the proposed Draft Tiered Approach to Procuring Additional Independent Science Advice (see Associated Documents and Handouts). The approach explains how the Committee will obtain additional independent scientific advice to assist the Committee, the working groups, technical teams and the consultant team in the development of the BDCP.

Will Stelle reporting: Science Liaisons will have their next meeting on May 30. They will take the document review it and discuss it. There will be discussion about one of the suggested approaches that involves the science advisors attending and/or participating in working group or technical team to assist those groups on technical questions.

Ara Azhderian raised the concern that "unending" use of independent science advisors could have adverse consequences on the budget; and asks for oversight by the SC to monitor the process.

Gary Bobker asked whether the independent science advisors will have opportunities to address their own questions or concerns in addition to looking at the question brought forward by the working groups and technical teams. Karen Scarborough followed that there are stages in our process that are flagged for input from independent science advisors and that the first of those stages occurred early in the BDCP process. It is at those stages that independent science advisors will help the SC identify issues. Karen reminded the Committee that BDCP differs from CALFED and Delta Vision in that BDCP elected not to assign a lead independent scientist or board, rather BDCP has adopted the HCP/NCCP process of engaging independent science

input into the planning process. Consequently, the Steering Committee is considering this proposed three tiered approach to ensure appropriate access to and interface with independent science throughout the BDCP process.

Jason Peltier and Kim Delfino (co chairs) indicated that the Science Liaisons Working Group will discuss the document.

Kim Delfino asked for clarification that once the Science Liaisons come back to the SC with their report, they also need to be prepared to move forward with the independent science process. Karen Scarborough said yes.

Biological Goals and Objectives WG

Jason Peltier and Gary Bobker (co chairs) reporting: The working group will reconvene on May 22. Gary Bobker requests the minutes reflect that there is no Flow and Standards Working Group as previously referred to by Jason Peltier.

Analytical Tools Working Group

Campbell Ingram reporting: Working Group still on standby.

Other Stressors Working Group

Brent Walthall reporting: The working group will start meeting weekly. So far, the WG has had presentations on toxics and invasive species. Next week there will be presentation on non-project diversions, hatcheries, and diseases. The working group is also starting to craft conservation measures now and not waiting until the presentations are completed.

The Non-Native Invasive species presentation was postponed.

Jerry Bruns from the Central Valley Regional Water Quality Control Board (CVRWQCB) discussed the CVRWQCB's proposed control program for methyl mercury. They have had several workshops over the past few years. They held a Board workshop in April on methyl mercury and will be holding facilitated stakeholder meeting in the coming months. The CVRWQCB wants to ensure that their efforts and BDCP are coordinated. The Staff Report and TMDL proposal are on their web site. DWR is contracting for studies on methyl mercury along with studies of subsidence and carbon sequestration. The working group will have a special session with the Habitat Restoration Program Technical Team to discuss methyl mercury with CVRWQCB. The Committee discussed options and responses to the methyl mercury issue.

Jerry Johns reported that DWR is in the process of executing a contract with USGS for seven years to do studies on wetlands, principally related to subsidence, carbon sequestration, and methyl mercury. DWR and USGS will work with the Regional Board on the design of the study.

Ad Hoc Group's Letter Response to State Water Resources Control Board questions

Richard Roos-Collins reported the ad hoc group's letter written in response to questions from the State Water Resources Control Board has been updated. The letter was prepared by Jason Peltier and Richard Roos-Collins with input from Jerry Johns. The Board wants the final letter before the next Steering Committee meeting. This letter is not an official letter from the BDCP Steering Committee but a response from the individual members who received the questions from the Board. It will be composed and signed by those individuals. Additional comments will be coordinated by Will Stelle. The letter will be sent out to the Committee.

Public comments:

Melinda Terry from the North Delta Water Agency appreciates the Committee recognizing need to engage the Delta communities and local governments. She wants to emphasize that as the BDCP is being developed that questions be allowed to be asked because the scoping process allowed for no questions and the community wants to be allowed to ask questions. She has a

question about whether the locals will be engaged in the process at the workshops in terms of being included in the decisions about the development of what is going to be included or not included in the EIS/EIR.

Ken Trott from the California Department of Food and Agriculture said he has received comments from a couple of agriculture commissioners who have received calls from farmers who are confused about the processes affecting the Delta. Is it Delta Vision, BDCP, are we going to flood Clarksburg? He wants to offer CDFA to help facilitate the outreach strategy efforts to reach agriculture commissioners to make sure they fully understand what is going on so that when they get questions they can field them accurately. Secondly, the federal Farm Bill recently passed. It has a lot more conservation dollars in it. Good conservation programs, funding for working lands approaches, including wetlands conservation. He suggests those working on conservation measures take a look at the Farm Bill and meet with the state NRCS office. Thirdly, Phil Isenberg's name needs to be corrected in the meeting notes from March 7. He discussed Karen Ross taking the lead in the 30 year agriculture vision for the State of California. They will begin conducting listening sessions around the state starting on May 28th to get input on "what's your agriculture vision?" They want to engage all the stakeholders, those who eat food and those who grow food. Suggests people go out to CDFA's website to see more information about vision and workshops.

Next meeting on May 30th, take note that that is the day that the I-5 work begins. Committee is urged to plan accordingly. And efforts will be made to improve telecommunications capabilities for Committee meetings. The Delta Tour is now scheduled for June 20th to accommodate the camera man.

Adjourned

<p>Attendees</p> <p><u>Management and representatives</u></p> <p>Karen Scarborough (Chair, Resources Agency)</p> <p>Marc Ebbin (Resources Agency/DWR)</p> <p>Will Stelle (Resources Agency)</p> <p>Cindy Darling (Resources Agency)</p> <p>Laura King Moon (State Water Contractors)</p> <p>Tom Howard (SWRCB)</p> <p>Leo Winternitz (California Bay-Delta Authority)</p> <p>Jerry Johns (DWR)</p> <p>Ann Lubas-Williams (USBR)</p> <p>Brent Walthall (Kern County Water District)</p> <p>Roger Patterson (Metropolitan)</p> <p>Ara Azhderian (SLDMWD)</p> <p>Jason Peltier (Westlands)</p> <p>Karla Nemeth (Zone 7)</p> <p>Kim Delfino (Defenders of Wildlife)</p>	<p>Ann Hayden (Environmental Defense)</p> <p>Greg Thomas (Natural Heritage Institute)</p> <p>Anthony Saracino (The Natural Conservancy)</p> <p>Carl Wilcox (DFG)</p> <p>Steve Thompson (USFWS)</p> <p>John Engbring (USFWS)</p> <p>Ted Meyers (NMFS)</p> <p>Paul Cylinder (SAIC)</p> <p><i>By phone</i></p> <p>Tracy Ligon (Santa Clara Valley Water District)</p> <p>Richard Roos-Collins (American Rivers/NHI)</p> <p>Gary Bobker (The Bay Institute)</p> <p>Greg Gartrell (Contra Costa Water District)</p> <p>Wayne Spencer (Conservation Biology Institute)</p> <p>Other attendees</p> <p>See sign-in sheets</p>
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